

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:09-cv-00307-MR**

<b>UNITED COMMUNITY BANK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
	)	<b><u>ORDER FOR FINAL</u></b>
	)	<b><u>EXECUTION AND</u></b>
<b>vs.</b>	)	<b><u>PRECLUSION OF</u></b>
	)	<b><u>EXEMPT PROPERTY</u></b>
<b>JORGE ANGARITA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 46].

It appears to the Court that Judgment Debtor Michael Pena ("Judgment Debtor") has been served with copy of the Judgment together with a copy of the Notice of Right to Have Exemptions Designated and Schedule of Debtors Property and Request to Set Aside Exempt Property; that the Judgment Debtor has failed to file a Schedule of Debtors Property and Request to Set Aside Exempt Property; and that the Judgment Debtor has failed to request a hearing to set aside exempt property or otherwise respond within the time allowed. The Court, therefore, finds that the Judgment Debtor has had a reasonable opportunity to assert the

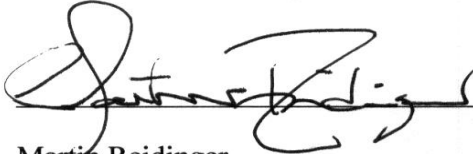
exemptions provided by law and that the Judgment Debtor's failure to respond should be considered a waiver of his right to have property set aside as exempt from the execution of the Judgment in this case.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion [Doc. 46] is **GRANTED**, and the Judgment Debtor Michael Pena is precluded from having any of his property set aside as exempt from Judgment in this case.

**IT IS FURTHER ORDERED** that a final execution be issued by the Clerk of this Court for the Collection of the Judgment in this case.

**IT IS SO ORDERED.**

Signed: February 11, 2015

  
Martin Reidinger  
United States District Judge

